

1 BUDSBERG LAW GROUP, PLLC
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The Honorable Paul B. Snyder
Location: Tacoma, Washington
Chapter 7
Hearing Date: May 16, 2013
Hearing Time: 9:00am
Response Date: May 9, 2013

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8 UNITED STATES BANKRUPTCY COURT
9 WESTERN DISTRICT OF WASHINGTON

10 In re:

11 3W ALLIANCE, LLC

12
13 Debtor.

Case No. 11-48937
Chapter 7

NOTICE AND MOTION TO AUTHORIZE
SALE OF PROPERTY FREE AND CLEAR OF
LIENS, DETERMINATION OF SECURED
CLAIMS, AND DISTRIBUTION OF SALE
PROCEEDS AT CLOSING
(Clerk's Action Required)

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16 **NOTICE**

17 TO: The Clerk of the Court
18 AND TO: Debtor(s) and Debtor(s)' Attorney
19 AND TO: All Creditors and Parties-In-Interest
20 AND TO: U. S. Trustee

21 PLEASE TAKE NOTICE that the Trustee has filed a Motion to Authorize Sale of
22 Property Free and Clear of Liens, Determination of Secured Claims, Payment of Debtor's
23 Exemption, and Distribution of Sale Proceeds at Closing for the property located at XXX E 37th
24 St., Puyallup, WA (Tax Parcel #6955000372). Pursuant to 11 USC § 363(b), you and each of
25 you are notified that unless objection is made, filed herein and served on the Trustee on or before
26 May 9, 2013, Brian L. Budsberg, Trustee for the estate of the above-named Debtor(s), will
27 proceed to sell the property according to the terms and conditions contained within the Motion.

28 NOTICE AND MOTION TO AUTHORIZE SALE OF PROPERTY
FREE AND CLEAR OF LIENS, DETERMINATION OF SECURED
CLAIMS, AND DISTRIBUTION OF SALE PROCEEDS AT CLOSING - 1

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1 The Trustee will proceed to enter an order with this Court authorizing the sale of the
2 property free and clear of liens, a determination of secured claims, and payment of Debtor's
3 exemption funds, and a distribution of sale proceeds at closing at a hearing scheduled for May
4 16, 2013 at 9:00am, in the United States Bankruptcy Court, Room H, 1717 Pacific Avenue,
5 Tacoma, Washington. Anyone having an objection to the Trustee's Motion must file a written
6 objection with the Court and serve a copy on Trustee's counsel at the address indicated below, no
7 later than May 9, 2013. Failure to file such written objection by the response date will allow
8 movant to proceed with the sale of the property according to the Motion without further notice of
9 hearing.
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12 **MOTION**

13 COMES NOW Brian L. Budsberg, Trustee for the estate of the above-named Debtor(s)
14 and hereby moves the Court for an Order to Authorize Sale of Property Free and Clear of Liens,
15 Determination of Secured Claims, and Distribution of Sale Proceeds at Closing of the estate's
16 interest in real property of the estate located at XXX E 37th St., Puyallup, WA as follows:

- 17 1. Property Description. The Trustee proposes to sell real property commonly
18 known as XXX E 37th St., Puyallup, WA (Tax Parcel #6955000372).
19
20 2. Proposed Sale. The Trustee has entered into a purchase and sale agreement for
21 the property with E W Paffenroth, LLC. A copy of the Agreement is attached as
22 Exhibit A. Below is an abbreviated summary of the most significant terms of this
23 agreement. Parties desiring to discern all terms of the agreement should review
24 the agreement and should not rely on the summary.

- 25
26 a. The Trustee will sell the property to E W Paffenroth, LLC,
for \$7,000.00.
27 b. The sale will be "as is" and "where is" without warranties
28 of any kind. In making this purchase, buyer has satisfied

himself as to the identity, nature, extent, and quality of the property being sold.

- c. Conveyance will be by Trustee's Quit Claim Deed.
- d. Title will be transferred free and clear of all liens, interest and encumbrances.
- e. The Agreement is non-contingent.
- f. Closing is to occur by May 13, 2013.
- g. The sale is conditioned upon Bankruptcy Court approval.

3. Sales and Marketing History. The Trustee was advised by a Realtor that the property was so small that it was effectively unmarketable as no one would be able to build on it. E W Paffenroth, LLC is the only purchaser the Trustee has had an offer from.

4. Sale Free and Clear. The sale pursuant to the agreement will be free and clear of all liens, interests and encumbrances pursuant to 11 U.S.C. § 363. Ordinary closing costs including, without limitation, real estate taxes, excise tax, escrow fees, and title insurance premiums. Thereafter, all liens, interests and encumbrances shall attach to the net proceeds in the order and priority in which they currently exist.

5. Secured Claims. There are no known secured claims on the property.

6. Value to the Estate. Below is Trustee's estimate of the proposed sale's value to the estate:

Sales Price	\$7,000.00
Less Closing Costs (2%est)	\$140.00
Less Property Taxes Due (maximum)	\$3,934.01
Estimated Net to Estate	\$2,925.99

WHEREFORE, the Trustee asks the Court for an order (1) allowing the Trustee to sell the Property commonly described as XXX E 37th St., Puyallup, WA (Tax Parcel #6955000372)

NOTICE AND MOTION TO AUTHORIZE SALE OF PROPERTY
FREE AND CLEAR OF LIENS, DETERMINATION OF SECURED
CLAIMS, AND DISTRIBUTION OF SALE PROCEEDS AT CLOSING - 3

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1 to E W Paffenroth, LLC for an agreed gross sales price of \$7,000.00 free and clear of all liens,
2 interests and encumbrances pursuant to 11 U.S.C. § 363, (2) authorizing disbursement from the
3 gross sale proceeds at closing for all closing costs including without limitation escrow fees, title
4 insurance premiums, excise tax, all outstanding real property taxes and a determination that there
5 are no other valid secured claims against the property and (4) authorizing the balance of the sale
6 proceeds to be held by the Trustee as unencumbered funds of the estate.
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9 DATED this 18th day of April, 2013.

10 BUDSBERG LAW GROUP, PLLC
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13 /s/Brian Budsberg
14 Brian L. Budsberg, WSBA #11225
15 Trustee
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